

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

ERIC FLORES,

Plaintiff,

V.

UNITED STATES DEPARTMENT OF  
JUSTICE, *ET AL.*,  
Defendants.



Civil Action No. 5:20-CV-00193-RWS

## ORDER

Plaintiff Eric Flores, an inmate proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff alleges that “several corrupt foreign officials” are secretly causing the death of every public official in the United States so that these foreign officials can commit crimes against American citizens. The Magistrate Judge properly determined that this allegation is factually frivolous and fails to state a claim upon which relief may be granted. Docket No. 4.

The Magistrate Judge further noted that this filing is one of a lengthy series of frivolous filings from the Plaintiff Eric Flores. *Id.* at 2. He has accumulated three strikes within the meaning of 28 U.S.C. § 1915(g) and therefore cannot proceed *in forma pauperis* absent a showing of imminent danger of serious physical injury. In addition, Plaintiff has been sanctioned a total of \$300.00 by the Fifth Circuit Court of Appeals in two separate cases and barred from further filing absent leave of court until he pays the sanctions in full.

Plaintiff has not satisfied these sanctions and has ignored multiple warnings. He filed a total of eight lawsuits between September of 2020 and March of 2021, each raising similarly frivolous and nonsensical allegations. The Magistrate Judge therefore recommended that no further lawsuits be accepted from the Plaintiff Eric Flores unless such lawsuit is filed by a licensed attorney enrolled to practice in the Eastern District of Texas and the full filing fee is paid at the outset of the case. *Id.* at 3.

A copy of the Magistrate Judge's Report was sent to Plaintiff at his last known address on February 4, 2021, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Company of Canada*, 931 F.3d 412, 420–21, n.9 (5th Cir. 2019). Because Plaintiff did not file objections to the Magistrate Judge's Report, he is barred from appealing the factual findings and legal conclusions of the Magistrate Judge which are accepted and adopted by the district court except upon grounds of plain error. *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is


**ORDERED** that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim upon which relief may be granted. It is further

**ORDERED** that the Court shall accept no further lawsuits from the Plaintiff Eric Flores, TDCJ-CID No. 02051801, unless such lawsuit is filed by a licensed attorney enrolled to practice in the Eastern District of Texas and upon payment of the full filing fee at the initiation of the case. Any new lawsuit received from the Plaintiff which does not meet both of these conditions shall be returned by the Clerk of Court or discarded, at the sole discretion of the Clerk. It is further

**ORDERED** that a copy of this Order shall be sent to the Administrator of the Sanctions List for the Eastern District of Texas.

**So ORDERED and SIGNED this 5th day of April, 2021.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE